

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2660 of 2025

Arising Out of PS. Case No.-347 Year-2024 Thana- PAHARPUR District- East Champaran

1. Surendra Mahto S/O Late Asarfi Mahto Resident of village- Bhaja Chhapar, P.S- Paharpur, District- East Champaran.
2. Indal Kumar @ Indal Mahto Son of Rajdeo Mahto Resident of village, Bhaja Chhapar P.S, Paharpur, District - East Champaran.
3. Rajdeo Mahto Son of Late Asarfi Mahto Resident of village, Bhaja Chhapar P.S, Paharpur, District - East Champaran.
4. Pramod Mahto Son of Khobhari Mahto Resident of village, Bhaja Chhapar P.S, Paharpur, District - East Champaran.
5. Rajesh Mahto Son of Khobhari Mahto Resident of village, Bhaja Chhapar P.S, Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 118(2), 109, 303(2), 352 and 3(5) of the BNS.

3. Learned counsel for the petitioners, at the outset, submits that petitioner no. 1 (Mr. Surendra Mahto) has already been arrested and hence the present anticipatory



bail application with regard to petitioner no. 1 namely, Mr. Surendra Mahto has become infructuous.

4. The prosecution story in brief is that on 21.07.2024, at about 03:00 PM, all the FIR named accused persons including the petitioners began constructing a hut on the land of the informant. When the informant's cousin objected to this illegal construction, all the accused persons tied a cloth around his neck and began pulling him in the opposite direction. It is next alleged that petitioner no. 2, namely, Indal Mahto gave blow of spade on the hand of the informant, causing injury. When the nephew of informant came in rescue, accused Ram Naresh Yadav assaulted him with lathi which resulted in fracture of hand. When brother of the informant namely, Gopal Mehto came in rescue, accused Suredar Mahto assaulted him with iron rod. Accused persons also assaulted the nephew of informant, namely, Deepak Mehto. Accused Prince Kumar and Pramod Kumar grabbed Arjun Mehto and accused Chandan Kumar snatched gold from him. Hearing noise, villagers came and saved him.

5. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in the present case. It is next submitted that there was minor scuffle between the parties for taking possession over the land in question, as such, there was no intention on the part of the petitioners to kill the informant.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the fact that the other petitioners are alleged to have participated in the fight/assault but the injury caused is not grievous. In fact, the grievous injury sustained by Kanhaiya Mahto and Arjun Mahto has been occasioned on account of assault by other accused persons who are not petitioners in the present case. Under these circumstances, except petitioner no. 1, all other petitioners are entitled to grant the privilege of anticipatory bail.

8. Accordingly, all the petitioners except petitioner no. 1, in the event of their arrest or surrender within four weeks from today, let the petitioners except petitioner no. 1, as named above, be enlarged on bail on furnishing bail bonds of Rs.25,000/-(Rupees Twenty-Five Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Additional Chief Judicial Magistrate, 11th
East Champaran, Motihari in connection with Paharpur P.S.
Case No. 347 of 2024, subject to the conditions laid down
under section 482(2) of the Bharatiya Nagarik Suraksha
Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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